

DOC #:

Tel: (212) 514-5100
Fax: (212) 514-9300
E-mail: swp@plattalaw.com

RECEIVED

MAY 12 2008
May 12, 2008DAER
U.S. DISTRICT JUDGE
S.D.N.Y.

United States District Court
Chambers of Hon. Harold Baer, Jr.
500 Pearl Street
New York, NY 10007

Re: Adonna Frometa v. Mario E. Diaz & All American Haulers & Recycling
Date of Loss: 2/14/2007
Our File No: SP07-001

Honorable Judge Baer,

This office represents Plaintiff Adonna Frometa in the above named matter. Kindly accept this correspondence in response to defendant's letter faxed to my office today, dated May 12th, 2008.

I object to defendants' request for extension of time to file any motions in limine. Allowing this extension, would permit motion practice in this matter beyond the time allowed by the Court Order and prejudice the Plaintiff herein, as the trial in this matter is scheduled for May 27th, 2008. Additionally, four day extension would not afford Plaintiff sufficient time to oppose such motions, pursuant to FRCP. On multiple occasions I advised defendants' attorney Mr. Hsu that all motions in limine should have been fully briefed by tomorrow and pursuant to FRCP I am not given sufficient time to oppose any. For the first time however, I learned today from Mr. Hsu's fax that he intends to move to preclude my expert in this matter. It is very likely therefore, that this action by Mr. Hsu is directed to further abuse the discretion that this Court had previously given to defendants herein, in their prior requests for extensions of time and as such should not be tolerated. Additionally, I just received (by fax) two motions in limine which prove that defendants' attorney Mr. Hsu has disregarded prior Court Order and tries to further obstruct this Court's discretion by not allowing Plaintiff any time to oppose such motions.

As stated in my prior correspondence, the defendants in this case are bringing new issues every day, even though most of them were already decided by Your Honor's prior decisions. This office would like to request this Court's intervention and determination as to the untimely motions that are being served by defendants in this matter. Shall these untimely motions be accepted by this Court, Plaintiff would request additional time to oppose them as well as additional time to be able to make motions in limine once defendants' life care expert's report is disclosed.

Should this application require personal appearance, Plaintiff is ready to submit this application at any time convenient to Court.

Very truly yours,

SLAWEK W. PLATTA, PLLC


Slawek W. Platta, Esq. (SP2699)

CC:

Wilson Elser Moskowitz, Edelman & Dicker, LLP

Do what you think is right - my view is if you need another day that's alright but since you don't even know what date any means I'm not saying I can't much for you.

RECEIVED:



Harold Baer, Jr., U.S.D.J.

SLAWEK W. PLATTA, PLLC • 42 BROADWAY, SUITE 1927 • NEW YORK, NY 10004

Date: _____

Endorsement:

Do what you think is right - my view is if you need another day that's alright but since you don't even know what daily copy means I'm not sure I can do much for you.